

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 20,644
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Child Development Division denying her application for a child care subsidy. The issue is whether the petitioner's income is in excess of the program maximum. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with her husband and their child. Following an application by the petitioner, on November 6, 2006 the Department notified the petitioner that she was ineligible for a child care subsidy based on her income. This decision was upheld by a Commissioner's Review completed on January 4, 2007.

2. Based on information provided by the petitioner with her application, and confirmed on review, the Department determined that the petitioner's monthly gross income from employment averages \$2,822. The Department did not count any

income from the petitioner's husband, who owns a baking business that, as yet, does not turn a profit.

ORDER

The Department's decision is affirmed.

REASONS

The Child Care Subsidy regulations provide that in order to receive a subsidy a family must have a "service need"¹ and have income that is below the Department's standards. See Regulation No. 4032. The subsidy guidelines establish a sliding scale of eligibility based on income. According to the Department's guidelines three-person families with gross income under \$1,157 a month qualify for a full (100 percent) child care subsidy amount. The guidelines range upward to families with income under \$2,586 a month qualifying for the minimum partial subsidy amount (10 percent). As noted above, the petitioner's income is over \$2,800 a month, which makes her ineligible for any subsidy.

¹ In this case, the Department concedes that it did not look closely at whether the petitioner has a "service need", which, in a two-parent household, would require that both parents be working at jobs that produce significant income. The fact that the petitioner's husband works at a job that purportedly produces no income could well be problematic in determining whether the family indeed has a service need within the meaning of the regulations.

Inasmuch as the Department's decision is in accord with its regulations, the Board is bound by law to affirm. 3

V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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